

PRELIMINARY ORDER OF FORFEITURE

2. On June 19, 2009, the defendant entered a plea of guilty to Count 2 of the indictment pursuant to a written plea agreement. The plea agreement provided that the

defendant agree to the forfeiture of the 2004 Cadillac Escalade, vehicle identification number 1GYEK63N04R274417.

IT IS THEREFORE ORDERED:

1. That based upon Edgar Miranda's guilty plea, and pursuant to Title 21, United States Code, Section 853 and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the 2004 Cadillac Escalade, vehicle identification number 1GYEK63N04R274417.

2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 13th day of August 2009.

Barbara B. Crabb

BARBARA B. CRABB

Chief United States District Judge